### IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/005546

International Filing Date : 24 May 2004 (24.05.2004)

Priority Date(s) Claimed : 16 June 2003 (16.06.2003)

Applicant(s) (DO/EO/US) : Timo HEINRICH, et al.

Title: INDOLE DERIVATIVES AS SEROTONIN REUPTAKE INHIBITORS

#### INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

#### Timing and Fees

$\boxtimes$	Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this infor disclosure statement is filed:			
		within three months of the filing date of a national application other than a CPA under § 1.53(d);		
•	$\boxtimes$	within three months of the actual filing date of the national phase of a PCT application; OR		
		before the mailing of a first substantive office action (including after filing of an RCE).		
		37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods ied in 37 C.F.R. § 1.97(b), but before the mailing date of:		
		a final rejection under 37 C.F.R. 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR a notice of allowance under 37 C.F.R. § 1.311; and		

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		is acco	empanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
			R. § 1.97(d), this information disclosure statement is filed after the mailing lowing actions which have not been withdrawn:
		a final	action under 37 C.F.R. § 1.113;
		termin	ation of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
		OR a r	notice of allowance under 37 C.F.R. § 1.311;
	AND i	s filed o	on or before payment of the issue fee; AND is accompanied by:
			tement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of 00 under 37 C.F.R. § 1.17(p).
Statem	nents Ur	nder 37	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
<u>Cited</u>	<u>Materia</u>	<u>ls</u>	
		ancest	s of materials listed but not attached were cited in benefit (35 U.S.C. § 120) or application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
	$\boxtimes$	_	s of materials listed but not attached were cited in an international search dated <u>August 19, 2004</u> .
		Not re	quired by 37 CFR § 1.98.
		Copies	s of the materials listed are attached (except for the foregoing).

Non-English L	anguage References
	An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
	A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
	<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> <li>A = document defining the general state of the art</li> <li>O = non-written disclosure</li> </ul>
	P = intercalated document T = document cited to understand the theory or principle underlying the invention
	E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date  D = cited in the application
	L = cited for another reason
	& = publication of member of same patent family
$\boxtimes$	Translation of other relevant information on foreign search report
	In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwaehnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abildung" means figure.
Other Information	<u>tion</u>
Payment of Fe	es Due (If Any):
A chec	k for \$ covering the fee identified above is attached.
Please	charge to Deposit Account No. 13-3402 \$ for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony V Zelano, Reg. No. 27,969 Attorney Agent for Applicants

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Attorney Docket No.: MERCK-3100

Date: December 15, 2005

AJZ:ssr

**DOCKET NO.: MERCK-3100** 

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# IAPO Rec'd PCT/PTO 15 DEC 2009

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Substitute	for form 1449A/PTO			Complete if Known		
				Application Number	USNP of PCT/EP2004/005546	
INFO	RMATION	DIS	CLOSURE	Filing Date	24 May 2004 (24.05.2004)	
STAT	<b>TEMENT BY</b>	/ AF	PPLICANT	First Named Inventor	Timo HEINRICH, et al.	
				Group Art Unit	unknown	
	(use as many she	ets as	necessary)	Examiner Name	unknown	
Sheet	1	of	2	Attorney Docket Number	MERCK-3100	

	U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.¹	U.S. Patent Docum	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY	
	001	5,532,241	Α	BOTTCHER, ET AL.	07-02-1996	
	002	6,476,035	B1	MOLTZEN, ET AL.	11-05-2002	
	003	5,002,948	Α	PERREGAARD, ET AL.	03-26-1991	
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FOREIGN PATENT DOCUMENTS									
Examiner		Foreign Patent Document  Kind Code <sup>5</sup>				Name of Patentee or Applicant of	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant	a
Initials*	Cite No.1	Office <sup>3</sup>	Number <sup>4</sup>	(if known)	Cited Document	MM-DD-YYYY	Figures Appear	T°	
000000000000000000000000000000000000000	QQ4	₩ <b>₩</b>	2004/054072	000000000000000000000000000000000000000	BOSTTCHER, 67.00	07Q42QQ4	000000000000000000000000000000000000000	000000000000000000000000000000000000000	
	005	EP	0 648 767	Α	MERCK PATENT GMBH	04-19-1995		001	
	006	wo	99/05140	Α	MIKKELSEN, ET AL.	02-04-1999		002	
***************************************			02/003666	<u>-</u>	B@E44@HEX,E44Fi	<del>40-24-2002</del>		***************************************	
	800	EP	0 376 607	Α	LUNDBECK & CO AS H	07-04-1990		003	

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Substitute for form 1449A/PTO Complete if Known Application Number USNP of PCT/EP2004/005546 INFORMATION DISCLOSURE Filing Date 24 May 2004 (24.05.2004) STATEMENT BY APPLICANT Timo HEINRICH, et al. First Named Inventor Group Art Unit unknown (use as many sheets as necessary) **Examiner Name** unknown Sheet 2 of Attorney Docket Number MERCK-3100

	Turney (1)	NON PATENT LITERATURE DOCUMENTS	-Mail
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
000000000000000000000000000000000000000		HEWITT, NICOLA J. ET AL: "STUDIES COMPARING IN VIVO: IN VITRO METABOLISM OF THREE PHARMACEUTICAL COMPOUNDS IN RATS, DOGS, MONKEYS, AND HUMANS BY USING CRYOPRESERVED HEPATOCYTES, MICROSOMES, AND COLLACEN CEL	xxxxxxxxxx
		IMMOBILIZED HEPATOCYTE CULTURES" DRUG METABOLISM AND DISPOSITION, 29(7), 1042-1050 CODEN: DMDSAI; ISSN: 0090-9556	
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.J./

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.